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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,176	04/21/2000	Kentaro Kawakami	000549	6524

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EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
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1722

9

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,176

Applicant(s)

KAWAKAMI ET AL.

Examiner

Thu Khanh T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 4-10 in Paper No. 8 is acknowledged.

Specification

2. The abstract of the disclosure is objected to because it should not be in one paragraph and contains no more than 150 words. Correction is required. See MPEP § 608.01(b).
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Device For Forming Vessel Body.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 4-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, lines 4 and 5; is "the mold" the same with "the negative mold"? If it is, the negative mold should be used instead of the mold.

Claims 5-10 recite "a negative mold". Is this mold the same with the negative mold in claim 4? It should be referred as "said negative mold".

Regarding claims 4 and 6, the phrase "ring- like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "ring-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

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Claim 7, line 2, the phrase “a negative mold is a ratable type” is unclear. How can a mold be ratable? Is it supposed to be “rotatable”? The specification does not provide support for the ratable mold. Please explain. For the purpose of examination, claim 7 is assumed that the mold is a rotatable.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Baird (2,218,804).

Baird teaches a plastic forming apparatus comprising an open-top negative mold (Fig. 2, 1), a ring-like lid member (39) with the inside diameter smaller than the top diameter of the negative mold, a cylindrical rotary trowel (12) which is mechanically fixed to move against an inner surface of the negative mold, and is longer than the height of an inner wall surface of the vessel body to be formed (2), and a trowel drive (9; page 1, line 50 – page 2, line 5).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird ('804) in view of Ritter (2,293,172).

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Baird discloses a molding apparatus as described above, but fails to disclose a split mold and a stand for fitting the negative mold.

Ritter discloses an apparatus for forming flowerpots, comprising a split negative mold (Fig. 2, 47), a ring-like lid member (45), a cylindrical rotary trowel (57) which is mechanically fixed to move against an inner surface of the mold and is longer than the height of an inner surface of the pot body, a trowel drive (Fig. 1, 11-29), and a shave stand (44) for fitting the mold. The lid member (45) is integrally fixed to the shave stand and the split mold halves (Fig. 2) by the screws (48).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Baird by providing a split mold and a shave stand as taught by Ritter because using the split mold would facilitate the removal of the product after being molded and the shave stand would provide support to the mold.

10. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird ('804) as applied to claim 4 above, and further in view of Baird (1,137,946).

Baird ('804) discloses a pot forming apparatus as described above, but fails to disclose a turntable to rotate the mold.

Baird ('946) discloses a molding machine for forming flowerpots or containers, comprising a turntable (Fig. 2, 3) for rotating the molds (6) to different molding stations. Therefore, the mold is a rotatable.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Baird ('804) by providing a turntable as taught by Baird ('946) because the turntable would obviously provide support and transfer the mold to different stations during the molding process.

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11. Claims 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird ('804) as applied to claim 4 above and further in view of Andersen et al (5,658,603).

Baird ('804) discloses a pot forming apparatus as described above, but fails to disclose a shave stand and drive means for rotating the negative mold.

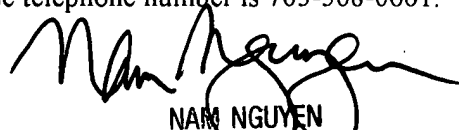
Andersen et al disclose a molding apparatus for forming cylindrical article, comprising a negative mold (Fig. 11A-C, 102) that fixed on a shave stand (the support member around the mold 102) and rotates in the same direction of the rotatable trowel (100; col. 53, lines 3-12).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Baird by using a shave stand and drive means for rotating the mold of Andersen et al because these means are known to reduce processing time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday-Thursday and on alternate Friday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 703-308-3322. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

TN
December 17, 2001